

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

(President in the Chair.)

Hour for Executive Session Set

Senator Shivers asked unanimous consent of the Senate that 10:43 o'clock a. m. today be set as the hour for the Senate to go into executive session to consider certain nominations heretofore submitted by the Governor.

There was no objection offered, and it was so ordered.

Executive Session

The President, at 10:43 o'clock, a. m., announced that the hour heretofore fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following report:

Austin, Texas,
January 30, 1939.

Hon. Coke R. Stevenson, Lieutenant Governor:

We, your Committee on Nominations by the Governor, have had under consideration the following nominations:

To be a Member of the Board of Directors of A. & M. College: (term beginning January 10, 1939)

A. H. Demke, of Stephenville, Erath County, Texas;

To be District Attorney of the Forty-ninth Judicial District:

Philip A. Kazen, of Laredo, Webb County (to succeed John A. Valls, resigned, December 1, 1938, for remainder of term expiring December 31, 1938, and for two-year term beginning January 1, 1939);

To be Judge of the Forty-ninth Judicial District:

John A. Valls, of Laredo, Webb County (to succeed Judge J. M. Mullally, who resigned effective November 30, 1938) for the term ending December 31, 1938, and also for the term beginning January 1, 1939:

And do recommend that they be confirmed.

SHIVERS, Chairman.

Adjournment

The President called the Senate to order, as in legislative session, at 10:50 o'clock a. m.

On motion of Senator Shivers, the Senate, at 10:55 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

FOURTEENTH DAY

(Wednesday, February 1, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill Kelley

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hill was granted leave of absence for today, on account of important business, on motion of Senator Aikin.

Senator Kelley was granted leave of absence for today, on account of important business, on motion of Senator Brownlee.

Reports of Standing Committee

Senator Weinert submitted the following reports of the Committee on State Affairs:

Austin, Texas,
January 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 109, A bill to be entitled "An Act declaring all motor vehicle registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any tax assessor-collector, tax collector or other officer to sell, transfer, convey or otherwise deliver any registration or license plate for any consideration other than the full value thereof paid in lawful money, except in certain cases; declaring that any violation of the provisions of this Act shall constitute a misdemeanor and prescribing a punishment upon conviction; declaring the terms of this Act to be severable; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
January 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 5, A bill to be entitled "An Act repealing House Bill No. 170, Chapter 91 of the Acts of the First Called Session of the Forty-first Legislature of the State of Texas, 1929; and providing for the creation of a Legislative Audit Committee; and fixing its duties and providing for the appointment of a State Auditor by said Legislative Audit Committee; prescribing the qualifications, duties and authority of said State Auditor and fixing his compensation; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment and that the Committee Amendment be printed.

WEINERT, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senators Burns and Shivers:

S. B. No. 130, A bill to be entitled "An Act further regulating trial procedure and practice in Civil Cases in the District and County Courts of this State and also authorizing attorneys during an argument to comment upon or explain to the jury the effect of their verdict or answers to Special Issues, and the judgment rendered or to be rendered thereon, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Stone of Galveston:

S. B. No. 131, A bill to be entitled "An Act prohibiting escapes from any jail and providing a penalty, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Stone of Galveston:

S. B. No. 132, A bill to be entitled "An Act providing for the construction, maintenance and operation of hospitals in Counties having a population of not less than 17,600 and not more than 17,700 according to the United States Census of 1930; providing for the levying of a direct tax of not more than ten cents on the valuation of \$100.00, by the Commissioners' Court, for the purpose of constructing, maintaining and operating such hospital; authorizing and empowering the Commissioners' Court to lease any County Hospital to be operated by the Lessee under such terms and conditions as may be satisfactory to the Commissioners' Court and the Lessee, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Brownlee:

S. B. No. 133, A bill to be entitled "An Act amending Section 1 of House Bill 1002, Chapter 363, of the Forty-fifth Legislature, Regular Session 1937, relating to compensation of County Commissioners in certain Counties, repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Stone of Washington:

S. B. No. 134, A bill to be entitled "An Act validating and confirming the creation of the Junior College District of Washington County; provided that the college located in said District shall be called Blinn College; providing for the election of the Board of Trustees of said District and prescribing their powers and duties; repealing all laws and parts of laws in conflict and declaring an emergency."

Referred to Committee on Education.

By Senator Moore:

S. B. No. 135, A bill to be entitled "An Act further regulating all life, health and accident assessment insurance companies or associations or burial societies, repealing conflicting laws, authorizing the Board of Insurance Commissioners to limit the use of names, and to pass upon the worthiness of officers; requiring bonds of all employees having access

to moneys; requiring deposits and limiting advertisements thereof; providing for keeping rosters and records of clubs, classes or groups, and prohibiting transfer of members, classes or groups to other associations or to other classes or groups without the approval of the Board; requiring the keeping of adequate records satisfactory to the Board; prescribing the contents and form of applications and certificates, and renewal thereof; and limiting the amount of risk on any one life to Three Thousand Dollars (\$3,000.00); providing for regular and extra assessments, the separation of funds, limitation of expense and use of such funds; requiring full payment of claims, regulating contested claims; authorizing appointment of conservator and rehabilitation of associations; especially interpreting health and accident provisions, giving the Board authority to promulgate reasonable rules and regulations to carry out the purposes of this Act, preserving constitutionality, fixing an effective date; and declaring an emergency."

Referred to Committee on Insurance.

By Senator Hardin:

S. B. No. 136, A bill to be entitled "An Act repealing Articles 2189 and 2190, Title 42, Chapter 8, of the Revised Civil Statutes of 1925, relative to submitting special issues to juries, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 137, A bill to be entitled "An Act to amend Article 1149 of the Penal Code of this State, relating to Assault with Motor Vehicle, by providing that if any driver or operator of a motor vehicle or motorcycle shall wilfully or with negligence collide with or cause injury less than death to any other person he shall be guilty of aggravated assault; prescribing punishment upon conviction of such offense; providing that in the event such injuries result in death the driver or operator of such motor vehicle or motorcycle shall be dealt with under the general law of homicide; providing that all laws and parts of laws in conflict herewith are expressly repealed; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Small:

S. B. No. 138, A bill to be entitled "An Act to amend Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by Acts of the Regular Session of the Forty-second Legislature of the State of Texas, pertaining to weights and measures, by amending Article 5714, which provides for the promulgation of specifications and tolerances for commercial weighing and measuring devices, and by adding a new article to be numbered Article 5714a, providing for the approval of type for commercial weighing and measuring devices, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Agriculture.

By Senator Small:

S. B. No. 139, A bill to be entitled "An Act to amend Chapter 5, Title 14 of the Revised Criminal Statutes of 1925, as amended by Acts of the Regular Session of the Forty-first Legislature of the State of Texas by amending Articles 1037 and 1037a relating to weights and measures, and by adding the following new articles numbered as follows: Articles 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, and 1037i, requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marking of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight; prohibiting deceptive pack; providing standards for the sale of butter, bread, milk, and meat and meat food products, including poultry; providing for establishment of standard net weight, net measure, or net numerical count for commodities, products or articles; defining certain terms; providing penalties for the enforcement of the Act; repealing laws in conflict; including a savings clause; and declaring an emergency."

Referred to Committee on Agriculture.

By Senator Small:

S. B. No. 140, A bill to be entitled "An Act amending Section 6, House Bill 247, Chapter 44, General Laws of the Regular Session of the Forty-third Legislature as amended by Sec-

tion 5, House Bill 749, Chapter 240, General Laws of the Regular Session of the Forty-fourth Legislature; providing that recoveries under a motor fuel distributor's bond shall not exceed the penal sum thereof; providing that such bonds, if continuous in form, may be continued in effect by renewal certificates; providing for the repeal of all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 141, A bill to be entitled "An Act amending Article 3393a of the Revised Civil Statutes of 1925 (Acts 1929, Forty-first Legislature, Page 130, Chapter 63, Section 1), and Article 3396 of the Revised Civil Statutes of 1925 as amended by Acts of 1935, Forty-fourth Legislature, Page 654, Chapter 266, Section 1, so as to provide for the method of reducing the amount of bonds required of executors and administrators and for service by citation by mail upon parties in interest not resident in a county; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Shivers:

S. B. No. 142, A bill to be entitled "An Act to withdraw from sale or lease all public free school lands heretofore authorized by any law of this State to be sold or leased; providing that such withdrawal shall not apply to applications to purchase or lease filed prior to the effective date of this Act or to applications involved in litigation now pending; and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

Advance Printing of Bills

On motion of Senator Moore, and by unanimous consent, it was ordered that S. B. No. 135 be printed in advance of its consideration in committee.

On motion of Senator Lemens, it was ordered that S. B. No. 73 be printed in advance of its consideration in committee.

On motion of Senator Van Zandt, it was ordered that Senate Bills Nos. 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 106, 37, 17 and 24 be printed in advance of their consideration in committee.

On motion of Senator Nelson, it was ordered that S. B. No. 27 be printed in advance of its consideration in committee.

On motion of Senator Sulak, it was ordered that S. B. No. 10 be printed in advance of its consideration in committee.

Bill and Resolution Signed

The President signed in the presence of the Senate after their captions had been read severally, the following bill and resolution:

H. B. No. 233, "An Act to validate the establishment of Independent School Districts in counties having not less than 10,000 nor more than 20,000 population according to the last preceding Federal Census, as established by the Act of the County Boards of School Trustees of such counties, and ratifying and confirming said Act of such Boards, and declaring an emergency."

H. C. R. No. 23, Congratulating the cast of "The American Way of Life," a pageant presented at the Inauguration of the Governor and Lieutenant Governor of the State of Texas.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives
Austin, Texas, February 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 77, A bill to be entitled "An Act authorizing Commissioners' Courts in counties having a population of not less than forty thousand (40,000) inhabitants and not more than fifty thousand (50,000) inhabitants, and containing a city of not less than thirty thousand (30,000) inhabitants nor more than forty

thousand (40,000) inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Five (5¢) Cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties, and their county seats, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

Reports of Standing Committee

Senator Van Zandt, by unanimous consent, submitted at this time the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,
January 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to which was referred

Senate Bill 105, by Weinert,

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
January 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to which was referred

Senate Bill 33, by Redditt,

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

(President Pro Tempore Moore in the Chair.)

Senate Bill 105 on Second Reading

Senator Weinert moved that the legislative rule relative to the consideration of bills during the first 60

days of the Regular Session of the Legislature be suspended and that S. B. No. 105 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill	Kelley
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On motion of Senator Weinert, and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of the bill at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 105, A bill to be entitled "An Act forbidding suits on commissions for sale or purchase of real estate, oil and/or gas mining leases, oil and/or gas royalties, minerals or mineral interests, unless the promise or agreement on which such suit is brought is in writing and signed by the person sought to be charged therewith; and providing that this Act shall not apply to any such action pending in any court in this State at the effective date of this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 105 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 105 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill	Kelley
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The President Pro Tempore then laid S. B. No. 105 before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 157 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 157, A bill to be entitled "An Act creating and establishing Jackson County Road District Number Ten in Jackson County, Texas, under Article II, Section 52 of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said District and who have duly rendered the same for taxation, voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the District; providing that in awarding contracts for road construction the

Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the District hereby created are also included in other road Districts having outstanding bonds shall not affect the District hereby created or its powers hereby granted; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 157 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 157 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent—Excused

Hill Kelley

The President Pro Tempore then laid H. B. No. 157 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lemens
Beck	Martin
Brownlee	Metcalf
Burns	Moffett
Collie	Moore
Cotten	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Isbell	Shivers
Lanning	Small

Spears	Sulak
Stone	Van Zandt
of Galveston	Weinert
Stone	Winfield
of Washington	

Absent—Excused

Hill Kelley

(Senator Shivers in the Chair)

House Bill on First Reading

The following House bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 77, to Committee on State Affairs.

Motion to Take Up Senate Bill 5

Senator Moore moved that Senate rules 31a and 48 be suspended, to permit consideration of S. B. No. 5 at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—19

Beck	Roberts
Collie	Shivers
Cotten	Small
Graves	Stone
Head	of Galveston
Isbell	Stone
Lemens	of Washington
Martin	Van Zandt
Moore	Weinert
Pace	Winfield
Redditt	

Nays—10

Aikin	Metcalf
Brownlee	Moffett
Burns	Nelson
Hardin	Spears
Lanning	Sulak

Absent—Excused

Hill Kelley

Senate Bill 5 Set as Special Order

On motion of Senator Pace, and by unanimous consent, S. B. No. 5 was set as a special order for tomorrow immediately after conclusion of the morning call on that day.

Adjournment

On motion of Senator Burns, the Senate, at 11:03 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.